

**COUNTY OF SUFFOLK
REQUEST FOR EXPRESSION OF INTEREST (RFEI)**

**Suffolk County Purchasing Division on behalf of the Suffolk County Department of Health Services
and Department of Economic Development and Planning
is seeking expressions of interest
for
A DEMONSTRATION OF PRESSURIZED SHALLOW DRAINFIELD
OPTIONS IN SUFFOLK COUNTY**

TIMELINE

Issue Date: Thursday, March 10, 2016

All Potential Interested Applicants

**MUST First Register Online by: Monday, March 21, 2016
(Required) 12:00 P.M. (NOON)**

at:

www.suffolkcountyny.gov/Departments/Planning/ReclaimOurWaterInitiativeUpdate.aspx

**Technical Questions Due*: Thursday, March 24, 2016
3:30 PM**

**Information Session: Friday, March 25, 2016
(Optional) 2:00 P.M.**
Suffolk County Dept. of Health Services
Wastewater Management, Suite 2C
360 Yaphank Avenue
Yaphank, NY, 11980

Attendance may be via conference call-in – details will be provided after registering online.

**Final Submissions Due: Friday, April 8, 2016
3:30 P.M.**

Contact Information

Name: Justin Jobin
Environmental Projects Coordinator
Suffolk County Department of Health Services
360 Yaphank Avenue Yaphank, NY, 11980

Tel. (631) 852-5808

Email: justin.jobin@suffolkcountyny.gov

Final Submissions: Response package requirements on next page - submit to contact above.

** Technical Questions: Must be submitted in writing (email preferred) to contact above.*

Final Submission Response Package Requirements

- Submissions to be sent to Suffolk County Department of Health Services – contact information on pg 1.
- Number of Copies: Seven (7) total (Original plus six (6) copies)
- The Purchasing RFEI No. (located on upper right hand corner of this page) must be on:
 - All outer mailing envelopes/package
 - Original Response and all copies on the binder/cover page
- Original must be labeled “ORIGINAL”
- All copies must be complete copies of the Original
- Responses should be submitted in a tabbed and labeled binder, not permanently bound
- Transmittal letter and all required documents should be placed in First Tab of Binder
- Do NOT return RFEI document. This is for you to keep for reference.

Late Responses Will Be REJECTED

Table of Contents

- I. Introduction and Background**
- II. Purpose**
- III. Submission Requirements in Response to this RFEI**
- IV. Content of Submission**
 - A. General Information on the Applicant**
 - B. Demonstration Program Details**
 - C. Detailed Aspects for Participation in Demonstration Program**
- V. Timeline**
- VI. RFEI Submission Evaluation**
- VII. Reservation of Rights and Miscellaneous Conditions**
- VIII. Administrative Information**

Attachments

Exhibits

I. INTRODUCTION AND BACKGROUND

The County of Suffolk (“County”), a municipal corporation of the State of New York, on behalf of the Suffolk County Departments (“Departments”) set forth on page one, is requesting expressions of interest (RFEI) from manufacturers (Applicants) who desire to participate in a Demonstration Program of their Pressurized Shallow Drainfield Systems (hereinafter “PSD”).

Suffolk County, Long Island's eastern-most county, with a population of 1.5 million, is has in excess of 200,000 existing residential on-site systems, comprised mostly of cesspools and conventional septic systems that discharge to deep leaching pools. These systems are located in environmentally sensitive areas which could benefit from nitrogen reducing technologies that disperse treated effluent to pressurized shallow drainfields.

In April of 2014 Suffolk County issued the first Request for Expression of Interest (RFEI) for a Demonstration Program of Innovative Alternative Onsite Wastewater Treatment Systems (I/A OWTS). This demonstration program was a resounding success as a total of 19 systems were donated from 4 manufactures representing 6 different technologies. Following the County-wide lottery for the interested homeowners, the systems were installed between June 24, 2015 and February 29, 2016 and some systems could see provisional approval as early as the summer of 2016.

Based upon the success of Phase I of the Demonstration Program, Suffolk County is excited to continue this momentum by announcing a second phase of the demonstration program.

This Request for Expression of Interest (RFEI) is part two of a three-part process. The initial RFEI seeks from Applicants their qualifications for the manufacture, installation and maintenance of innovative alternative onsite wastewater treatment systems (hereinafter “I/A OWTS”) for use on residential property or county property. This RFEI seeks from Applicants their qualifications for the manufacture, installation, and maintenance of pressurized shallow drainfields to further treat and disperse effluent from I/A OWTS. The third part of the process is to pair residential properties with both I/A OWTS and PSD applicants to install, maintain, and operate these technologies. Note that construction or installation of any OWTS and PSD requires site specific approvals (See Sections IV B(d).

II. PURPOSE

Suffolk County is initiating this demonstration program for installing Pressurized Shallow Drainfields (hereinafter “PSD”) to receive pretreated effluent from I/A OWTS. PSDs are leachfields that evenly and horizontally distribute treated effluent within the top 24 inches of the soil horizon, where microbial activity and nutrient adsorption are the highest. The County will also accept responses from Applicants who meet NY Environmental Conservation Law, Section 17-0701 Appendix 75-A, with the goal of evaluating horizontal subsurface disposal of effluent from an I/A OWTS.

The Demonstration Program is intended to provide field-testing and technology verification to determine if a particular PSD can provide additional polishing of pretreated effluent and provide an alternative to leaching pools in Suffolk County. A technology may only be approved when the Suffolk County Department of Health Services (SCDHS) has determined, based on relevant technical data, that the proposed alternative is capable of a level of environmental protection at least equivalent to that of a system designed in accordance with the Suffolk County Sanitary Code Article 6,¹ and other applicable state or local provisions.

The County is seeking proposals from Applicants for Design and materials for installation of two (2) to three (3) pressurized shallow drainfields per technology at no cost to the homeowner, County or State inclusive of a five year warranty and maintenance.

The RFEI process involves submission of a response to this RFEI. Applicants will be selected from among the RFEI responders. Only Applicants who respond to this RFEI will be considered for inclusion in this Demonstration Program.

Any New York State Department of Health (NYSDOH) or other state agency approvals that may be required must be obtained by the Applicant. Subject to the necessary County approvals, inclusive of SCDHS, Suffolk County Board of Health, and/or State approvals, a chosen Applicant will install and maintain the PSD at no cost to the participating homeowners, the County or the State. Terms of this relationship are subject to negotiation.

Subject to possible necessary approvals from the Commissioner of SCDHS, Suffolk County Board of Health, NYSDOH and NYS Department of Environmental Conservation (NYSDEC), the SCDHS envisions the approval process to occur as follows:

Approval Process

1. Demonstration projects that meet NY Environmental Conservation Law, Section 17-0701 Appendix 75-A: These systems are already approved for general use. Participation in the demonstration program is welcome to further evaluate the applicability of the system in Suffolk County.
2. Demonstration projects that have current approval in a minimum of two (2) other jurisdictions in similar climate conditions to Suffolk County: These systems need to demonstrate the

¹ S.C. Sanitary Code Article 6 may be found online by going to the Suffolk County government homepage, clicking on “Departments,” then clicking on “Department of Health Services,” then “Documents and Forms,” then “Sanitary Code.”

ability to function hydraulically year round in Suffolk County and provide 12 months of independent monitoring before being approved for General Use. General Use systems can be installed at any site where a conventional leaching pool in compliance with Article 6 of the Suffolk County Sanitary Code could be approved.

III. SUBMISSION REQUIREMENTS IN RESPONSE TO THIS RFEI

The submission requirements are outlined below. The County will not consider any responses that do not fulfill these requirements.

- All Applicants must respond to all questions in the format indicated and must register on-line at: <http://www.suffolkcountyny.gov/Departments/Planning/ReclaimOurWaterInitiativeUpdate.aspx> by **Monday, March 21, 2016 at 12:00 P.M. (Noon)**

- The Applicant's responses must answer all questions and provide all information requested by the RFEI in the format indicated.

- All copies of the applications must be in writing and be submitted to:

Justin P. Jobin, Environmental Projects Coordinator
Suffolk County Dept. of Health Services
Office of Ecology, Suite 2B
360 Yaphank Avenue
Yaphank, NY, 11980

- Seven (7) copies of the RFEI response and all other required documents must be received by County of Suffolk no later than **Friday, April 8, 2016, at 3:30 P.M.**
- Those submitting RFEI responses do so at their own expense. The County will not be obligated to reimburse any costs incurred in preparing or submitting the RFEI response, including additional requests for information and interviews.
- No verbal proposals will be accepted.
- In order to be considered, proposals must be accompanied by a signed Public Disclosure Statement and Proposal Bid/Certification (see Exhibits).
- The County may request additional written or oral information from Applicants, as needed.
- All proposals will be held in confidence until completion of the selection process, except as required by law.

**Information Session:
(Optional)**

**Friday, March 25, 2016
2:00 P.M.**

Suffolk County Dept. of Health Services
Wastewater Management, Suite 2C
360 Yaphank Avenue
Yaphank, NY, 11980

Alternately, attendance will be available via conference call-in. Call-in information to be provided after registering online

IV. CONTENT OF SUBMISSION

A. GENERAL APPLICANT INFORMATION

Every **RFEI Response** must include the following:

a) **Company Ownership and History:**

1. A cover letter from manufacture's senior management
2. A history and description of the proposer, including experience in the OWTS industry.
3. A detail of regulatory compliance history.
4. The names, affiliates and addresses of the individuals who prepared, or assisted in preparing, the response to this RFEI.

b) **Qualifications and Experience of Personnel**

1. Provide full names of the corporate officers/partners, engineers, hydrogeologists, scientists, testing experts, managers and other key staff in your company and provide resumes for each individual.
2. For each professional listed above, describe his/her qualifications and provide information regarding:
 - i. Education;
 - ii. Professional licenses and other affiliations (copies of which shall be submitted with your response);
 - iii. Number of years engaged in OWTS Industry
 - iv. Other relevant work experience or qualifications
3. Describe other accounts involving similar services. In particular identify any governmental, public authority, public agency, and/or other quasi-governmental entities for which you provide or have provided systems or support in New York State; and in other states. Describe the role and experience of key personnel assigned to other similar accounts who will be assigned to this account.
4. Will temporary staff also be involved? If so, include details of their supervision and training.
5. Please list the company's concurrent material engagements and outstanding current proposals that could impact the availability of the individuals listed in response to paragraph b2 above.
6. Please set forth why your company should be selected; include any unique qualities your company possesses that other companies do not have.

c) **Current Financial Statement** prepared and certified by Independent CPA (If current year is not available, previous calendar year is acceptable.)

If independently audited financial statement is not available, the most current in-house Company statement to include:

- i. Balance Sheet
- ii. Income Statement
- iii. Cash Flow Projection
- iv. Financial Statement to be signed by one of the following attesting to the accuracy of the statement: CEO/CFO/COO.

d) Government Entity/Municipal Approval History

1. Provide a list of all government entities from which you have received approvals for PSD's with the approximate number of units sold/installed within each government entity/municipality. For each government entity/municipality provide the approval documentation and the following:
 - i. Government entity/municipality's name; and
 - ii. Contact name, title, and telephone number; and
 - iii. Description of type/design of I/A OWTS provided, approximate number of units sold/installed in this government jurisdiction, and over what time period.

e) References

1. Provide three (3) references for which the company has provided services (current governmental or quasi-governmental agencies preferred). Provide name of the organization, services, contact name and telephone number.
2. Provide a list of all contracts your company has had with the County within the last five (5) years (regardless of type of service), the time period for those services and your primary County contact.

f) Other General Information

1. All additional information relating to the proposer's character, reputation, and competence, including any information relevant to the ability to achieve required approvals.
2. Any additional, relevant information that would distinguish the proposer for consideration by the County.
3. Suffolk County Contractor's/Vendor's Public Disclosure Statement - Form 22 attached.

NOTE: ADDITIONAL REQUIREMENTS ARE DETAILED ON THE SUCCEEDING PAGES.

B. DEMONSTRATION PROGRAM DETAILS:

- a) This Demonstration Program is a means to test whether the PSD can be operated as a feasible leaching field option for I/A OWTS effluent and ensure continued environmental compliance.
- b) This Demonstration Program will assess the operation and maintenance requirements equipment cost, installation issues, and the overall ability of each technology to meet nitrogen reduction objectives.
- c) In order to be considered for participation in this Demonstration Program, the manufacturer or agent of PSD must 1) meet NY Appendix 75-A or 2) have current approval in a minimum of two (2) other jurisdictions in similar climate conditions to Suffolk County.
- d) The applicant should be aware that the Suffolk County Department of Health Services will be responsible for initial system authorization for this demonstration project, evaluation of monitoring and performance, and creating and maintaining a database of the analytical results of system monitoring.
- e) The systems will be authorized by the Department of Health Services for use within the Suffolk County Demonstration Program and subject to:
 - 1. Coordination and consultation with NYS Department of Health and NYS Department of Environmental Conservation.
 - 2. Further required approval at the design and installation phase for a particular property by SC DHS pursuant to Suffolk County Sanitary Code Article 6, and other applicable provisions,
 - 3. Any other required state or local approvals, if applicable.
 - 4. The County reserves the right to deem as unapprovable, a particular PSD within the Demonstration Program if that PSD is determined to be unsuitable on a particular parcel of property. Acceptance in the Demonstration Project does not guarantee actual approved installation.
- f) Applicants will be responsible for costs of all issues identified in this RFEI (including, but not limited to: design, construction, and maintenance.
- g) **Technical Specifications for Demonstration Program:**
 - 1. Providing all laboratory test data and reports associated with the technology's participation in (2) other comparable jurisdictions.
 - 2. Engineering design drawings, installation and maintenance specifications for each PSD Technology

3. A table detailing typical loading rates per soil type and / or percolation rate.
4. A description of the technical support system that the Applicant will utilize to supply and support the PSD in Suffolk County
5. Systems may be sampled on a routine basis by a NYS certified laboratory utilizing Standard Methods for the Examination of Water and Wastewater for Total Nitrogen (TN), Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) with results submitted to the SC Department of Health Services within 30 days.
6. A detailed plan for collecting and sampling treated effluent from PSD should be submitted with this RFEI. Please include detailed design of any proposed lysimeters. All sampling ports should be designed to be accessed at grade.

h) Contractual Requirements/Considerations for Demonstration Program:

1. An estimate of the cost of the technology including but not limited to equipment, shipping, warranty, and operation and maintenance services. Post installation, the applicant will be required to submit a true market cost of the specific installation.
2. A description of the distribution support system that the Applicant will utilize to supply and support the treatment system in Suffolk County.
3. Submission of a sample five-year maintenance/service contract and parts/labor warranty for the PSD technology. This shall include regular service by qualified personnel under a renewable, non-cancelable five (5) year operation and maintenance contract for inclusion with the contract with the homeowner, County or State.
4. A detailed estimate of costs to maintain the system during the five (5) year warranty period to be covered without additional cost to the homeowner, County or State. Additionally, provide an estimate of the costs of maintenance during the expected life of the system beyond the five-year period and the ability of the company to provide same to the homeowner, County or State.
5. Applicants selected to participate in the Demonstration Program should note that prior to approval to install a PSD they will be required to meet Suffolk County insurance requirements.

C. DETAILED ASPECTS FOR PARTICIPATION IN DEMONSTRATION PROGRAM:

- a) Please include a statement that each of the following is understood by the company to be required under this demonstration program:
1. As with all onsite wastewater systems, the engineering plans for these systems will need to be prepared (signed & sealed) by a NYS licensed professional engineer (NYPE) or registered architect. The plans will then need to be certified by the Applicant's in-house engineer(s) as being consistent with the manufacturer's specifications.
 2. The Suffolk County Departments of Health Services (SCDHS) and Public Works, as appropriate, and the Applicant's engineer will conduct a final construction inspection and certify that as-built conditions are in conformance with the approved design. As-built plans will be required.
 3. For the first five years of operation the PSD will be covered under a renewable, non-cancelable operation and maintenance contract which requires the service provider to periodically inspect the site (in conformance with any State and County requirements). After the first five years of operation, the PSD will require inspection from a licensed operator in compliance with any State and County requirements.
 5. All monitoring and observation ports must be installed at final grade so that they are accessible without excavation.
 6. No more than three (3) of the same manufacturer's PSD may be installed in the Suffolk County Demonstration Program, except by special approval of the Suffolk County Department of Health Services.
 6. Suffolk County reserves the right to sample, test, or inspect the systems at any time.
 7. *Note that in the event the County ever contracts with an applicant, the RFEI includes a copy of the Legislative Requirements for a contract with the County of Suffolk for your review and reference.* These contractual requirements are subject to change at the County's discretion.

V. TIMELINE

The County will endeavor to follow the timetable below; however, except for the RFEI Response submission deadline below, the activities and Timeline are guidelines only, subject to change at the County's discretion and without prior notice.

- RFEI Response: Seven (7) copies of the written response must be submitted in writing and received **no later than 3:30 P.M. on Friday, April 8, 2016** to the attention of:

Justin P. Jobin, Environmental Projects Coordinator
Suffolk County Dept. of Health Services
Office of Ecology, Suite 2B
360 Yaphank Avenue
Yaphank, NY, 11980

- Screening of applicants: A selection committee shall evaluate all RFEI applications and determine the selection of Applicants who have qualified for each of the Demonstration Programs.
 - Selected Applicants should be announced by April 22, 2016.
 - Site Selection: Residential and County/State Facilities or properties should be announced by May 1, 2016.
 - Pairing of Applicants and properties should be completed by June 1, 2016.
 - System design should be completed by July 1, 2016.
 - System installation should be completed by October 1, 2016.

VI. RFEI SUBMISSION EVALUATION

The County will have sole discretion to determine the composition of the selection committee which will evaluate the RFEI responses.

- The evaluation process is designed to identify applicants who would be most successful in demonstrating a PSD technology and successfully obtaining necessary approvals from the Suffolk County DHS and any additional approvals required by NYS Department of Health and/or Suffolk County DPW.
- Approximately one month after submission closing period, the County will notify, in writing, the selected entities who have qualified for participation in the Suffolk County Demonstration Program.

VII. RESERVATION OF RIGHTS AND MISCELLANEOUS CONDITIONS

The County reserves the following rights with respect to this RFEI:

- To request more detailed information.
- To utilize criteria of its choosing to select the entity whose proposal best satisfies the interests of the County.

- To take no action on the responses received.
- To reject all submissions that are submitted under this RFEI.
- To change any portion of the RFEI at any time.
- To issue additional, subsequent solicitations for proposals.
- To negotiate with Applicants for amendments or other modifications to their proposals.
- To modify deadline for submissions.
- To conduct investigations with respect to the qualifications of each Applicant and its personnel who may bid on this proposal.

VIII. ADMINISTRATIVE

A. Questions and Comments

a) Technical Questions

Technical questions (questions which are specific to the information requested in this RFEI) must be submitted in writing (email preferred) on or before **Thursday, March 24, 2016 at 3:30 P.M.** to the attention of:

Justin Jobin, Environmental Projects Coordinator
Suffolk County Department of Health Services at
justin.jobin@suffolkcountyny.gov or (631) 852-5808

Responses to such technical questions will be issued in the form of an Addendum to this RFEI.

B. RFEI Policies, Procedures and Disclaimers

- This RFEI is issued solely for information and planning purposes and does not constitute a solicitation or offer to procure or contract for any services. Responses to this RFEI are not an offer and cannot be accepted by the County to form a binding contract.
- This RFEI is not intended, and shall not be construed, to commit the County to pay any costs incurred in connection with any Response submitted during the RFEI process. The Applicant shall be solely and fully responsible for all costs associated with the development, preparation, transmittal, and submission of any material in response to this RFEI. The County may request selected Applicants to present their material in person to the County's representative at County offices, and the costs of such presentations shall be solely the responsibility of the Applicant. The County assumes no contractual or other obligations as a result of the issuance of this RFEI, the preparation or submission of materials by a Applicant, the evaluation of materials, the Applicant's conducting of presentations, or the selection of any Applicant for further negotiations. There may be no claims whatsoever for reimbursement from the County or any of its consultants or agents for such costs.
- The County reserves the right to amend or withdraw this RFEI at any time in the sole discretion of the County. The County reserves the right to request additional information from any Applicant. While the County is under no obligation to contact Applicants for clarifications, it reserves the right to do so. Depending on the number and quality of

the Responses received, the County may elect to interview all or some of the Applicants.

- d) The County reserves the right to reject or cancel any or all Responses or any part thereof submitted in response to this RFEI.
- e) The County reserves the right to disqualify any Applicant whose conduct and/or Response fails to conform to the requirements of the RFEI.
- f) No oral response by any employee, consultant or agent of the County shall be binding on the County, or shall in any way constitute a commitment by the County.
- g) *Engineering Certificate:* In the event that the Contract requires any Engineering Services, the Applicant shall submit to the County, no later than the due date for submission for approval of any engineering work product, the Certificate of Authorization (“Certificate”), issued pursuant to § 7210 of the New York Education Law, of every person performing any Engineering Services. The failure to file, submit or maintain the Certificate shall be grounds for rejection of any engineering work product submitted for approval.

C. Confidentiality

All Responses submitted for the County’s consideration will be held in confidence unless disclosure is required by the New York State Freedom of Information Law (FOIL), codified at Public Officers Law Article 6. Therefore, if a Applicant believes that any information in its submission constitutes a trade secret or is otherwise information which if disclosed would cause substantial injury to the competitive position of the Applicant’s enterprise and the Applicant wishes such information to be withheld if requested pursuant to FOIL, the Applicant shall include with its submission a separate letter addressed to the primary contact referenced in this RFEI, specifically identifying the page number(s), line(s) or other appropriate designation(s) containing such information, explaining in detail why such information is a trade secret or is other information which if disclosed would cause substantial injury to the competitive position of the Applicant’s enterprise, and formally requesting that such information be kept confidential. Failure by a Applicant to include such a letter with its Response will constitute a waiver by the Applicant of any interest in seeking exemption of this information under Article 6 of the Public Officers’ Law relating to protection of trade secrets. The proprietary nature of the information designated confidential by the Applicant may be subject to disclosure if it is requested and the County deems it subject to disclosure or if ordered by a court of competent jurisdiction. A request that an entire submission be kept confidential may not be considered reasonable since a submission cannot reasonably consist of all data subject to FOIL.

D. RFEI Posted On County Website

This RFEI is available on-line at:

<http://www.suffolkcountyny.gov/Departments/Planning/ReclaimOurWaterInitiativeUpdate.aspx> Follow the instructions to register and download the documents. By registering on-line you will automatically be notified of all future addendums. If you should need assistance, please contact the Suffolk County Department of Economic Development and Planning for help.

E. Suffolk County Background and Demographic Information

Suffolk County (the “County”) is Long Island's eastern-most county, and covers an area of approximately 900 square miles, 20 miles at its widest part and approximately 86 miles in length.

The County is a municipal corporation of the State of New York with an annual operating budget of approximately \$2.6 billion. The County employs approximately 11,000 employees, with main offices located in Hauppauge, Yaphank, Riverhead, and several smaller locations.

a) Population:

The County has a population of 1.5 million people. The five western towns contain 91% of the population within 62% of the County’s land area and the population of the County is projected to increase by approximately 9% by the year 2035 (*Suffolk County Division of Planning & Environment estimates*). It is the fourth most populous county in the state.

b) Ethnic Diversity

The majority of the County’s population is Caucasian, and as of 2010 the Hispanics were the largest minority group comprising 16% of the population, followed by 7% African- American and 3% Asian.

c) Age

The median age of the County’s population in 2010 was 39.8 years, with 14% of the population over the age of 65.

d) Household Income

According to the U.S. Census Bureau, the 2009 median household income in the County was \$83,620.00, ranking it the 25th highest (in the top 1%) out of all counties in the nation.

ATTACHMENTS

Article V

Suffolk County Legislative Requirements

1. Contractor's/Vendor's Public Disclosure Statement

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of section A5-7 of Article V of the Suffolk County Code.

Unless certified by an officer of the Contractor as being exempt from the requirements of section A5-7 of Article V of the Suffolk County Code, the Contractor represents and warrants that it has filed with the Comptroller the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-7 and shall file an update of such statement with the Comptroller on or before the 31st day of January in each year of the Contract's duration. The Contractor acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of the Contract, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Contract.

Required Form:

Suffolk County Form SCEX 22; entitled "Contractor's/Vendor's Public Disclosure Statement"

2. Living Wage Law

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 575, of the Suffolk County Code.

This Contract is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply, all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate the Contract and to seek other remedies as set forth therein, for violations of this Law.

Required Forms:

Suffolk County Living Wage Form LW-1; entitled "Suffolk County Department of Labor – Living Wage Unit Notice of Application for County Compensation (Contract)"

Suffolk County Living Wage Form LW-38; entitled "Suffolk County Department of Labor – Living Wage Unit Living Wage Certification/Declaration – Subject To Audit"

3. Use of County Resources to Interfere with Collective Bargaining Activities

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 803 of the Suffolk County Code.

County Contractors (as defined by section 803-2) shall comply with all requirements of Chapter 803 of the Suffolk County Code, including the following prohibitions:

- a.** The Contractor shall not use County funds to assist, promote, or deter union organizing.
- b.** No County funds shall be used to reimburse the Contractor for any costs incurred to assist, promote, or deter union organizing.
- c.** No employer shall use County property to hold a meeting with employees or supervisors if the purpose of such meeting is to assist, promote, or deter union organizing.

If the Services are performed on County property, the Contractor must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, non-intimidation agreement, and a majority authorization card agreement.

If the Services are for the provision of human services and are not to be performed on County property, the Contractor must adopt, at the least, a neutrality agreement.

Under the provisions of Chapter 803, the County shall have the authority, under appropriate circumstances, to terminate the Contract and to seek other remedies as set forth therein, for violations of this Law.

Required Form:

Suffolk County Labor Law Form DOL-LO1; entitled "Suffolk County Department of Labor – Labor Mediation Unit Union Organizing Certification/Declaration – Subject to Audit."

4. Lawful Hiring of Employees Law

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 353 of the Suffolk County Code.

This Contract is subject to the Lawful Hiring of Employees Law of the County of Suffolk. It provides that all covered employers, (as defined), and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

All contractors and subcontractors (as defined) of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

An updated affidavit shall be submitted by each such employer, owner, contractor and subcontractor no later than January 1 of each year for the duration of any contract and upon the renewal or amendment of the contract, and whenever a new contractor or subcontractor is hired under the terms of the contract.

The Contractor acknowledges that such filings are a material, contractual and statutory duty and that the failure to file any such statement shall constitute a material breach of the Contract.

Under the provisions of the Lawful Hiring of Employees Law, the County shall have the authority to terminate the Contract for violations of this Law and to seek other remedies available under the law.

The documentation mandated to be kept by this law shall at all times be kept on site. Employee sign-in sheets and register/log books shall be kept on site at all times during working hours and all covered employees, as defined in the law, shall be required to sign such sign-in sheets/register/log books to indicate their presence on the site during such working hours.

Required Forms:

Suffolk County Lawful Hiring of Employees Law Form LHE-1; entitled "Suffolk County Department of Labor – Notice Of Application To Certify Compliance With Federal Law (8 U.S.C. SECTION 1324a) With Respect To Lawful Hiring of Employees."

"Affidavit Of Compliance With The Requirements Of 8 U.S.C. Section 1324a With Respect To Lawful Hiring Of Employees" Form LHE-2.

5. Gratuities

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 664 of the Suffolk County Code.

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of the County or the State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement.

6. Prohibition Against Contracting with Corporations that Reincorporate Overseas

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of sections A4-13 and A4-14 of Article IV of the Suffolk County Code.

The Contractor represents that it is in compliance with sections A4-13 and A4-14 of Article IV of the Suffolk County Code. Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

7. Child Sexual Abuse Reporting Policy

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 880 of the Suffolk County Code.

The Contractor shall comply with Article II of Chapter 880, of the Suffolk County Code, entitled "Child Sexual Abuse Reporting Policy," as now in effect or amended hereafter or of any other Suffolk County local law that may become applicable during the term of the Contract with regard to child sexual abuse reporting policy.

8. Non Responsible Bidder

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 189 of the Suffolk County Code.

Upon signing the Contract, the Contractor certifies that it has not been convicted of a criminal offense within the last ten (10) years. The term "conviction" shall mean a finding of guilty after a trial or a plea of guilty to an offense covered under the provision of section 189-5 of the Suffolk County Code under "Nonresponsible Bidder."

9. Use of Funds in Prosecution of Civil Actions Prohibited

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article III of Chapter 893 of the Suffolk County Code.

The Contractor shall not use any of the moneys, in part or in whole, and either directly or indirectly, received under the Contract in connection with the prosecution of any civil action against the County in any jurisdiction or any judicial or administrative forum.

10. Youth Sports

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article III of Chapter 730 of the Suffolk County Code.

All contract agencies that conduct youth sports programs are required to develop and maintain a written plan or policy addressing incidents of possible or actual concussion or other head injuries among sports program participants. Such plan or policy must be submitted prior to the award of the County contract, grant or funding. Receipt of such plan or policy by the County does not represent approval or endorsement of any such plan or policy, nor shall the County be subject to any liability in connection with any such plan or policy.

11. Reincorporation

The Contractor represents that it is in compliance with Suffolk County Local Law No. 20-2004, entitled “A Local Law to Amend Local Law 5-1993, To Prohibit the County of Suffolk From Contracting with Corporations That Reincorporate Overseas.” Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

12. Leadership in Energy and Environment Design (LEED) Requirement

a. Resolution 126-2006, as amended by Resolution 551-2008 mandates the incorporation of LEED principles in County construction projects exceeding \$1,000,000 in aggregate construction costs or planning of renovation of an existing County building which requires the expenditure of \$1,000,000 or more or planning of new construction or renovation “built to suit” for long term lease by the County of Suffolk in an effort to promote energy efficiency and sound environmental practices. In the event this Project Construction Cost exceed this threshold, the Contractor shall apply the principles of the LEED Building Rating System 2.2, as a standard that meets environmental and economic performance of commercial buildings, using established and/or advanced building principles, practices, materials and standards. An equivalent minimum rating of 26 credits is expected, however the Contractor is encouraged to obtain additional credits within budgeted amounts. Although reporting documentations submissions to the U.S. Green Building Council are not required, the Contractor shall submit a detailed report of compliance with the LEED Building Rating System 2.2 to the Department as part of the Sketch Study Phase and shall also reaffirm compliance with LEED Requirements upon final completion of the project.

a. Once approved by the Department of Public Works, the initial report will be forwarded to the County’s Council of Environmental Quality (CEQ) as part of the SEQRA process, a prerequisite to appropriating the construction funding. Fifteen (15) copies of the approved report are required.

13. Light Pollution

In the event this Agreement involves the design and/or construction of lighting or lighting systems, the Contractor’s design and installation shall comply with the Suffolk County Code, Chapter 108 imposing certain requirements upon new or replacement outdoor lighting fixtures installed by the County on County-owned facilities.

14. Suffolk County Local Laws Website Address

Suffolk County Local Laws, Rules and Regulations can be [accessed](#) on the homepage of the Suffolk County Legislature

Exhibits

1. Public Disclosure
2. Living Wage
3. Union Certification
4. Local Law 25 as amended
5. Lawful Hiring
6. Comptroller's Rules
7. Affirmation Action Package
8. Bid Certification
9. Minority/Women Business Enterprise
8. E-verify
10. Apprenticeship Training Program For Construction Work only)